IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 7693/2004

SIVAN KALA VIDHYALAY
Vs.
ADDITIONAL CIVIL JUDGE (J.D.), NORTH, AJMER & ANR.

DATE: 21.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Arjun Karnani for the petitioner.
Mr. M.M. Ranjan for the respondents.

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The instant writ petition is directed against the order dated 16.10.2001 passed by the Additional Civil Judge (Jr. Division), North, Ajmer in Civil Suit No. 150/1994, whereby the application under Order 13 Rule 2 CPC has been rejected.

It was stated by the defendant-petitioner in the application that he is not able to get certified copy of the compromise recognised in another suit No. 109/1979 and now the petitioner wants to file the documents. As per the petitioner, these documents are necessary for decision of the present suit.

The application filed by the petitioner under Order 13 Rule 2 CPC has been rejected by the Court

below vide order dated 16.10.2001 observing that the petitioner moved this application after a long delay and further observed that issues are already framed and the petitioner wants to delay the proceedings of the civil suit.

Learned counsel appearing for the respondents submits that the suit is filed by the respondent-plaintiff on the ground of second default and the Appellate Court directed the trial Court to decide the suit within a period of three months and the petitioner-defendant wants to delay the matter.

This Court at the time of issuance of notices vide ex parte interim order dated 03.11.2004 stayed further proceedings in the matter.

It is not disputed that the suit is pending since long. I find no illegality in the order impugned dated 16.10.2001, whereby the trial Court has exercised its discretion rejecting the application of the petitioner moved under Order 13 Rule 2 CPC. At this belated stage, I do not want to interfere in such disputed matter while exercising power under Article 227 of the Constitution of India.

Consequently, the writ petition fails and the same is hereby dismissed.

The interim order dated 03.11.2004 granted by this Court also stands rejected. The stay application stands rejected accordingly.

However, the parties are at liberty to take just and legal objections before the Court below.

(K.S. RATHORE),J.

/KKC/